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8 October 1975

MEMORANDUM FOR: Chief, DDI Management Staff

ATTENTION : DDI Security Officer

SUBJECT : Policy Statement on Disclosure and Reproduction of
Intelligence Originated in Another USIB Agency

1. This memorandum requests, again, that the proper authority affirm in writing that CRS is not subject to so much of paragraph 4b of DCID 1/7, 5 October 1975, as reads:

Classified foreign intelligence documents, even though they bear no control markings, will not be released in their original form to third agencies...without permission of the originator.

2. This statement or a statement like it has appeared in previous versions of DCID 1/7. However, on 25 August 1959, USIB-D-39.4/1 eased policy to permit an agency to do retrospective search and supply of documents for a third agency. Other easements of DCID 1/7 were also provided in the 1959 paper to facilitate document processing of a second or third agency's materials. The 1959 agreements have been presumed to remain in force since then and, indeed, the briefings to various parts of the DDI by the CIA member of the USIB Security Committee were marked by statements that such easements were to continue in effect because the purpose of the 1975 revision of DCID 1/7 was primarily to ease the third-agency rule.

3. Under the presumed continuation of the 1959 agreements, CRS regularly conducts retrospective searches of positive foreign intelligence reports in support of work being done by various members of USIB. CRS has extensive holdings of material in library document files, biographic files and installation files. It is quite common for CRS, in response to specific requests, to provide NSA documents to State, State documents to DoD elements, DoD documents to NSA and everybody's document to such military commands as SAC. Dissemination controls, of course, are respected in this process. This is a useful function; the alternative is for SAC, or whoever, to query each member of USIB for material relative to a specific topic on a retrospective search. But, not all members of USIB can do such retrospective searches. The words in the newly revised DCID 1/7, however, seem to require an end to the service by CRS to the Community unless the 1959 easements are continued.

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Approved For Release 2004/04/15 : CIA-RDP82M00591R000300120022-3

SUBJECT: Policy Statement on Disclosure and Reproduction of
Intelligence Originated in Another USIB Agency

4. In response to my query concerning the continuing validity of the 1959 easements, B. A. Lowe, Secretary to USIB, forwarded to me a 1 October 1975 memorandum prepared by D. E. Moore, Chairman, Security Committee. This memorandum talks around the point. It does not say that the 1959 easements remain valid. Instead, ignoring the language quoted in paragraph 1 above (paragraph 4b of the revised DCID), Moore refers to paragraph 3d and the footnote thereto which concerns the implication of "WARNING NOTICE-SENSITIVE INTELLIGENCE SOURCES AND METHODS INVOLVED."

5. I shall accept the 1 October 1975 Moore memorandum as certification that the 1959 easements permit CRS to continue to retrospective search and document recovery for members of the Community but only until 1 January 1976. In the interim, I request such action as is necessary to reaffirm the continued validity of the 1959 easements without which I believe that CRS should cease to provide library and retrieval services involving third agency materials. Such action would be somewhat silly, but the times suggest that I should abide by all of the rules.



H. C. EISENBEISS

Director, Central Reference Service

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Attachments:

- A - DCID 1/7, 5 Oct 75
- B - C/Security Committee memo to ExSec, USIB, 1 Oct 75
- C - USIB-D-39.4/1, 25 Aug 75, CONFIDENTIAL

Distribution:

- Orig. & 1 - Addressee
- 1 - DDI Security Officer
- ✓ 1 - O/DDI
- 1 - C/ISG/CRS
- 1 - C/DSG/CRS
- 2 - OD/CRS

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DIRECTOR OF CENTRAL INTELLIGENCE DIRECTIVE NO. 1/7¹

CONTROL OF DISSEMINATION OF FOREIGN INTELLIGENCE

(Effective 5 October 1975)

Pursuant to provisions of Subsection 102(d) of the National Security Act of 1947, as amended, and other authorities vested in the Director of Central Intelligence by the National Security Council, certain controls on dissemination of foreign intelligence and related material² (hereafter referred to as foreign intelligence) are hereby established and promulgated.

1. Purpose

This directive establishes certain common controls and procedures for the use and dissemination of foreign intelligence to ensure that, while facilitating the interchange of information for intelligence purposes, there will be adequate protection of foreign intelligence sources and methods. This directive restates applicable portions of National Security Council Directive of 17 May 1972 implementing Executive Order 11652, and prescribes additional controls applicable to the U. S. foreign intelligence mission.

2. Applicability

The controls and procedures set forth in this Directive shall be uniformly applied by all member departments and agencies of the intelligence community in the handling of all materials containing foreign intelligence originated by the Central Intelligence Agency or by the intelligence components of other USIB departments or agencies.

3. National Security Council Directive

a. National Security Council Directive of 17 May 1972 implementing Executive Order 11652 stipulates that, except as otherwise provided by Section 102 of the National Security Act of 1947, classified information or material originating in one department shall not be disseminated outside any other department to which it has been made available without the consent of the originating department. This restriction on dissemination is commonly described as the "third agency rule."

b. The NSC Directive stipulates that the dissemination of classified information, including intelligence and intelligence information, orally, in writing or by any other means, shall be limited to those persons whose official duties or contractual obligations require knowledge or possession thereof. This is commonly referred to as the "need-to-know" principle.

¹ Supersedes DCID 1/7, effective 5 October 1970.

² For purposes of this directive, "related material" includes: information describing U. S. foreign intelligence sources and methods, equipment and methodology unique to the acquisition or exploitation of foreign intelligence, foreign military hardware obtained for exploitation, and photography or recordings resulting from U. S. foreign intelligence collection efforts.

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c. The NSC Directive also states that documents or portions of documents containing TOP SECRET information shall not be reproduced without the consent of the originating office. All other classified material shall be reproduced sparingly and any stated prohibition against reproduction shall be strictly adhered to.

d. The NSC Directive further requires that the marking, "WARNING NOTICE—SENSITIVE INTELLIGENCE SOURCES AND METHODS INVOLVED," be prominently displayed on all information and materials relating to sensitive intelligence sources and methods; and, that materials so marked will not be disseminated in any manner outside authorized channels without the permission of the originating department and an assessment by the senior intelligence official in the disseminating department as to the potential risk to the national security and to the intelligence sources and methods involved.³ For special purposes, primarily bibliographic notation, communications, or automatic data processing, this marking may be abbreviated WNINTEL.

4. Advance authorization

a. To facilitate the dissemination and different uses made of classified foreign intelligence within and among USIB departments and agencies, to assure the timely provision of intelligence to consumers and to handle the volume of such materials in a practical way, it is necessary to provide controlled relief to the "third agency rule" within the intelligence community in addition to that provided by Section 102 of the National Security Act of 1947. Accordingly, USIB departments and agencies have been given advance authorization to use each other's classified foreign intelligence in their respective intelligence documents, publications or other information media, and to disseminate their products to third agencies or foreign governments,⁴ subject to limitations and procedures prescribed in this Directive.

b. Classified foreign intelligence documents, even though they bear no control markings, will not be released in their original form to third agencies or foreign governments without permission of the originator. Information contained in classified foreign intelligence documents of another department or agency may be extracted or paraphrased and used by the recipient USIB Agency in classified foreign intelligence reports and released to third agencies, except as specifically restricted by control markings prescribed in this directive. For purposes of this authorization, "WARNING NOTICE—SENSITIVE INTELLIGENCE SOURCES AND METHODS INVOLVED" shall not be considered a restrictive marking.

³ Unless otherwise specified by the Director of Central Intelligence in consultation with USIB or as agreed to between originating and recipient agencies, authorized channels include the intelligence components of USIB departments and agencies and within each department and agency (including their contractors and consultants) as determined by the recipient senior intelligence official.

⁴ Excepting RESTRICTED DATA and formerly RESTRICTED DATA, which is prohibited from foreign dissemination under Sections 123 and 144 of Public Law 585, Atomic Energy Act of 1954, as amended.

c. Information contained in classified foreign intelligence documents of another department or agency not bearing any control markings may be extracted or paraphrased and used by the recipient USIB Agency in reports disseminated to foreign governments provided.⁴

(1) No reference is made to the source documents upon which the released product is based.

(2) The source and manner of acquisition of the information are not revealed.

(3) Foreign release is made through established foreign disclosure channels and procedures.

d. Any department or agency disseminating foreign intelligence beyond the departments and agencies of the USIB shall be responsible for ensuring that recipient departments and agencies understand and agree to observe the restrictions prescribed by this directive and maintain adequate safeguards.

e. No release of a classified foreign intelligence document, whether or not bearing a control marking, shall be made to foreign nationals and immigrant aliens, including U. S. Government employed, utilized or integrated foreign nationals and immigrant aliens, without the permission of the originating agency.

5. Additional authorized control markings

a. In addition to the WARNING NOTICE prescribed by NSC Directive any of the following additional markings may be used on foreign intelligence whenever, in the opinion of the originating department or agency, extraordinary circumstances related to the intelligence source or methods require more specific dissemination restrictions. Use of these markings shall be limited to foreign intelligence, the disclosure of which, could: compromise the status of collaborating foreign governments or officials or otherwise seriously damage U. S. relations with foreign governments; subject U. S. citizens or others to the possibility of personal danger or incarceration; seriously impair the continuing cooperation of private individuals providing foreign intelligence; seriously affect the continuing viability of vital technical collection programs; or, result in the possible compromise or loss of some unique foreign intelligence source or method. These control markings will be individually assigned at the time of preparation of the completed document and used in conjunction with classification and other markings required by Executive Order 11652 and the implementing NSC directive and, unless otherwise indicated in 6a below, carried forward to any new format in which that information is incorporated, including oral and visual presentations.

(1) "DISSEMINATION AND EXTRACTION OF INFORMATION CONTROLLED BY ORIGINATOR"

This marking shall be used when unique source sensitivity factors, known to the originator, require strict compliance with third agency rule procedures, in addition to a continuing knowledge and supervision on the part of the originator as to the extent to which the original document and information

contained therein is disseminated. Documents and information bearing this marking will not be disseminated beyond the Headquarters elements of the recipient organizations and the information contained therein shall not be extracted and incorporated into other reports without the permission of and under conditions prescribed by the originator. (For special purposes, primarily bibliographic notation, communications and automatic data processing, this marking may be abbreviated ORCON.)

(2) "USIB DEPARTMENTS ONLY"

Foreign intelligence so marked will not be disseminated to departments and agencies not represented on the U.S. Intelligence Board without the permission of the originating agency. Within each USIB department and agency dissemination shall be as determined by the recipient senior intelligence official, and may include department or agency contractors and consultants unless specifically prohibited by addition of the "NOT RELEASABLE TO CONTRACTORS OR CONTRACTOR/CONSULTANTS" marking described below. (For special purposes, primarily bibliographic notation, communications and automatic data processing, this marking may be abbreviated USIBONLY.)

(3) "NOT RELEASABLE TO CONTRACTORS OR CONTRACTOR/CONSULTANTS"

Foreign intelligence so marked shall not be disseminated to contractors or contractor consultants without the permission of the originating agency. Examples of when this marking may be used include National Intelligence Estimates and similar national intelligence reports, and other foreign intelligence, which, if disseminated to consultants or contractors, might seriously impair the continuing cooperation of contributing private individuals. This restriction shall not apply to those consultants hired under Civil Service Commission procedures, or comparable procedures derived from authorities vested in heads of departments and agencies by law, and who are normally considered an extension of the office by which they are employed. In applying this control marking, originators will give consideration to the need of USIB member Departments and Agencies to use contractor consultants and contractors to perform services which cannot be adequately performed by U. S. Government personnel. (For special purposes, primarily bibliographic notation, communications, or automatic data processing, this marking may be abbreviated NOCONTRACT.)

(4) "CAUTION—PROPRIETARY INFORMATION INVOLVED"

This marking will be used in conjunction with foreign intelligence obtained from various sources in the U.S. private business sector, and as the information may bear upon proprietary interests of the source, or may otherwise be used to the source's detriment. Recipients of reports bearing this marking shall take every reasonable precaution to ensure that the information is not used to the detriment of the source. This marking may be used in conjunction with the "NOT RELEASABLE TO CONTRACTORS OR CONSULTANTS" marking described above. (For special purposes, primarily bibliographic

notation, communication and automatic data processing, this marking may be abbreviated PROPIN.)

(5) "NOT RELEASABLE TO FOREIGN NATIONALS"

Foreign Intelligence so marked involves special considerations requiring that it not be released in any form to foreign governments, foreign nationals or non-U.S. citizens without the permission of the originating agency. Examples of when this control marking may be used include: the possible compromise of the status of relations with collaborating foreign governments, or officials; or jeopardizing the continuing viability of vital technical collection programs. (For special purposes, primarily bibliographic notation, communications, or automatic data processing, this marking may be abbreviated NOFORN.) When the originating agency predetermines that information can be released to a specified foreign government(s) the following marking may be used: "THIS INFORMATION HAS BEEN AUTHORIZED FOR RELEASE TO (specified country(s))." (For special purposes, primarily bibliographic notation, communications, or automatic data processing, this marking may be abbreviated "REL (specified countries).")

6. Procedures governing use of control markings

a. Any recipient desiring to use foreign intelligence in a manner contrary to the restrictions established by the control markings set forth above shall obtain the permission of the originating agency. Such permission applies only to the specific purpose agreed to by the originator and does not automatically apply to all recipients of the information as originally disseminated unless the originating agency removes the control markings for the benefit of the recipients. In those cases where dissemination outside the recipient agency is desired utilizing lesser or no control markings, the recipient agency should prepare a sanitized version which may be released with the originator's permission.

b. Control markings authorized in paragraphs 3d and 5 above, shall be displayed prominently on documents, incorporated in the text of communication messages, and associated with data stored or processed in automatic data processing systems. Unless the entire document justifies the protection of the control marking(s), each portion requiring the marking(s) shall, to the extent feasible, be marked with the appropriate marking abbreviation authorized by this directive.

c. The standardized restrictions and control markings set forth in this directive are to be employed uniformly by all departments and agencies in the intelligence community, thereby assuring like control and restrictions on the use of foreign intelligence disseminated within the departments and agencies represented on the USIB.

d. The substance of this directive shall be published in appropriate regulatory or notice media of each agency or department, together with appropriate procedures permitting rapid interagency consultation concerning utilization of intelligence and information. For this purpose, each USIB agency will designate a primary referent.

7. Report of unauthorized disclosure

Violations of the foregoing restrictions and control markings that result in unauthorized disclosure by one agency of the foreign intelligence of another shall be reported to the Director of Central Intelligence through the USIB Security Committee.

8. Prior restrictions and markings

Questions with respect to the current application of control markings authorized by earlier directives on the dissemination and control of intelligence and utilized on documents issued prior to the date of this directive should be referred to the originating agency. These markings are: WARNING NOTICE—SENSITIVE SOURCES AND METHODS INVOLVED, CONTROLLED DISSEM, NSC PARTICIPATING AGENCIES ONLY, INTEL COMPONENTS ONLY, LIMITED, CONTINUED CONTROL, NO DISSEM ABROAD, BACKGROUND USE ONLY and NO FOREIGN DISSEM.

W. E. Colby

Director of Central Intelligence

1 October 1975

MEMORANDUM FOR: Executive Secretary, USIB

SUBJECT : Policy Statement on Disclosure and
Reproduction of Intelligence Originated in
Another USIB Agency, USIB-D-39.4/1,
dated 25 August 1959

1. This memorandum is in response to your request for comments on the question posed by Mr. Harry Eisenbeiss, D/CRS, concerning whether or not this policy statement remains operative despite the revision of DCID 1/7.

2. In regard to paragraph (a) of the Policy Statement:

The only prohibition against a USIB member agency reproducing for itself foreign intelligence and intelligence information originally issued by another agency is addressed to that which is classified TOP SECRET. Section VI G(4) of the National Security Directive implementing Executive Order 11652 states that documents containing TOP SECRET information will not be reproduced without the consent of the originating office. All other classified material will be reproduced sparingly and any stated prohibition against reproduction shall be strictly adhered to.

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3. In regard to paragraph (b) of the Policy Statement:

Nothing in DCID 1/7 would contravene this paragraph. In fact, DCID 1/7 states that information relating to sensitive sources and methods shall not be disseminated outside of authorized channels and defines authorized channels as:

... authorized channels include the intelligence components of USIB departments and agencies and within each department and agency (including their

contractors and consultants) as determined by the recipient senior intelligence official.

4. I might suggest that, since this is a 1959 policy statement and a lot has transpired since then, you might like to seek USIB reaffirmation of this policy. The Security Committee will be glad to undertake a review of this policy statement and report its findings to USIB if you so desire.



Chairman, Security Committee

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USIB-D-39.4/1

25 August 1959

Final - USIB Approved

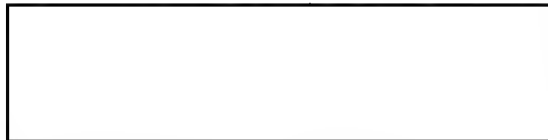
UNITED STATES INTELLIGENCE BOARD

Policy Statement on Disclosure and Reproduction of

Intelligence Originated in Another USIB Agency

1. Attached is a revision of the "Policy Statement on Disclosure and Reproduction of Intelligence Originated in Another USIB Agency," which incorporates the amendments proposed by the Committee on Documentation and circulated previously as USIB-D-39.4/1, 13 August.

2. Since no Intelligence Board member objected or requested a Board discussion of this proposed revision, we consider that the Board has concurred in this revised statement. Accordingly, the attached paper should be regarded as a USIB-approved statement, superseding IAC-D-95/5, 8 October 1957 (circulated as an attachment to IAC-D-95/6, 23 October 1957), and effective as of the date of this memorandum.



Executive Secretary

Attachment

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USIB-D-39.4/1

25 August 1959

Final - USIB Approved

Policy Statement on Disclosure and Reproduction of

Intelligence Originated in Another USIB Agency

In order for the member agencies and their analysts to discharge their responsibilities more effectively, and without intent to limit such broader authority or responsibility as any may now have under law or NSC directive, the United States Intelligence Board is agreed:

- a. That each member agency, for purpose of central processing, may reproduce for itself, foreign intelligence and intelligence information originally issued by another.
- b. That such reproduction may be performed for another member agency, and such information disclosed by the properly accredited analysts of a USIB agency to those of another engaged in the production of national intelligence if the intelligence or information was originally given general distribution to all USIB member agencies, or was otherwise generally available to them.
- c. That intelligence or information which by reason of sensitivity bears special classifications or is for limited distribution, or which bears a special warning prohibiting reproduction or disclosure, shall not be so reproduced or disclosed.

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